IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7256 of 2005

Between:

G.Rama Murthy S/o.G.Krishna Murthy
Regional Stores Tirupathi Chittoor District.

..... PETITIONER

AND

1 The Dy.Chief Personnal Manager
APSRTC, Nellore , Nellore District.
2 The Executive Director, APSRTC
Nellore Zone , Nellore District.
3 The Regional Manager , APSRTC
Nellore , Nellore District.
4 A.C.S.Chetty, Asst. Manager (Materials),

A.P.S.R.T.C.,

Nellore- Depot Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of Writ of Mandamus calling for the records relating to the office order.No.E2-813(15)/2004-NZ, dt.17-3-2005 and declare the same as illegal, arbitrary and contrary to the Circular No.PD/5/1994, dt.7-2-1994 and Circular No.PD-43/2004, dt.17-11-2004 and further direct the respondents to continue the petitioner as Asst. Manager(Materials), Regional Stores, Tirupathi, Chittoor district.

Counsel for the Petitioner:MR.V.VENKATARAMANA

Counsel for the Respondent Nos.1 to 3: MR.R.MANMADHA REDDY (SC FOR APSRTC)

Counsel for the Respondent No.4: None

The Court at the admission stage made the following Oral Order:

The petitioner is working as Assistant Manager (Materials) at Tirupati and was transferred to Udayagiri by the second respondent through impugned proceedings dated 17.03.2005. He questions the said transfer order.

Learned counsel for the petitioner contended that the transfer order is contrary to the Circular No.PD/5/1994 dated 07.02.1994 and, therefore, the transfer is illegal and is liable to be set aside.

On the other hand learned standing counsel appearing for the respondents contended that the transfer was effected purely on administrative grounds and the same cannot be questioned.

If the transfer effected is in contravention of the guidelines issued in Circular Nos.PD/5/1994 dated 07.02.1994, an appeal would lie to Vice Chairman & Managing Director, APSRTC. It is not a case where the principles of natural justice are violated or the fundamental rights of the petitioner are infringed or the person who issued the transfer order lacks jurisdiction. In the absence of any of these aspects, especially when the transfer is effected purely on administrative grounds, writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to file an appeal before the appellate authority. No order as to costs.

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(K.C.BHANU,J)

Dt:4th April, 2005

usd

To

1 The Dy. Chief Personnel Manager
APSRTC, Nellore , Nellore District.
2 The Executive Director, APSRTC
Nellore Zone , Nellore District.
3 The Regional Manager , APSRTC

Nellore, Nellore District.
4 Two C.D. copies